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EXAMINER
AVELLINO, JOSEPH E

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/684,742	GELVIN ET AL.
	Examiner	Art Unit	
	Joseph E. Avellino	2146	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>22 May 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-56</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-56</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☒ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

        1. ☐ Certified copies of the priority documents have been received.

        2. ☐ Certified copies of the priority documents have been received in Application No. _____.

        3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-56 are presented for examination with claims 1, 46, 48-51, 54, and 56
independent.

Continued Examination Under 37 CFR 1.114

2.   A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 22,
2008 has been entered.

Specification

3.   The specification is objected to as failing to provide proper antecedent basis for
the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction
of the following is required: The specification fails to provide proper antecedent basis for
a "computer readable medium" as claimed.

Allowable Subject Matter

4.   Applicant and the Examiner discussed possible amendments to the claims to put
the case in condition for allowance, specifically that the distribution of storage and
processing dynamically varies based on the message priority, however the Examiner

feels that this statement is indefinite and it is unable to be determined from the scope of

the claim what this statement actually means (i.e. what is the message priority based

upon, where is this priority derived, how is it used, etc.). Applicant is invited to contact

the Examiner in order to determine other amendments which can be made to advance

prosecution in this case. Furthermore Wesson (detailed below) teaches distribution of

processing based on message priority (i.e. distributing workloads from subordinates;

conserve message capacity and ignoring messages relating to distant events) (p. 22,

col. 1; p. 23, col. 1).

Double Patenting

5.   The nonstatutory double patenting rejection is based on a judicially created
doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the
unjustified or improper timewise extension of the "right to exclude" granted by a patent
and to prevent possible harassment by multiple assignees.   A nonstatutory
obviousness-type double patenting rejection is appropriate where the conflicting claims
are not identical, but at least one examined application claim is not patentably distinct
from the reference claim(s) because the examined application claim is either anticipated
by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140
F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29
USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.
1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422
F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163
USPQ 644 (CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d)
may be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent either is shown to
be commonly owned with this application, or claims an invention made as a result of
activities undertaken within the scope of a joint research agreement.
        Effective January 1, 1994, a registered attorney or agent of record may sign a
terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with
37 CFR 3.73(b).

Claims 1-62 of Patent no. 7,020,701 contains every element of claims 1-56 of the instant application and as such anticipates claims 1-56 of the instant application.

Claims 1-55 of Patent no. 6,859,831 contains every element of claims 1-56 of the instant application and as such anticipates claims 1-56 of the instant application.

Claims 1-61 of Patent no. 6,832,251 contains every element of claims 1-56 of the instant application and as such anticipates claims 1-56 of the instant application.

Claims 1-68 of Patent no. 6,826,607 contains every element of claims 1-56 of the instant application and as such anticipates claims 1-56 of the instant application.

Claims 1-4, 9-14, 16, 18, 20-24, 27-38, 40, 41, 43, and 45-55 of Application no. 09/684,387 contains every element of claims 1-56 of the instant application and as such anticipates claims 1-56 of the instant application.

Claims 1-32, 34-63, 65-81, 83-85, 91, 92, 94, 95, 97, 99-101, 103 ,106, and 108-119 of Application no. 09/684,706 contains every element of claims 1-56 of the instant application and as such anticipates claims 1-56 of the instant application.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-6, 8, 14-24, 30, 34, 39-45, 48, 49 and 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Clare et al. (USPN 6,414,955) (hereinafter Clare) in view of Wesson et al. (Network Structures for Distributed Situation Assessment; IEEE; copyright 1981) (hereinafter Wesson).

6.   Referring to claim 1, Clare discloses a method for providing a sensor network comprising:

coupling a plurality of network elements (i.e. member nodes) including a plurality of node types (user interface nodes and sensor nodes, see Figure 14, and col. 14, lines 12-34) among at least one environment (it is inherent that in a sensor network there must be an environment since then the sensors will be able to record data regarding their surroundings) and at least one user (user node), wherein the plurality of node types includes at least one node of a first type (user node) and at least one node of a second type (sensor node) (Figure 14; col. 14, lines 12-34);

the first type of node includes a sensor (col. 14, lines 12-34);

remotely controlling at least one function of the plurality of node types (col. 15, lines 13-16);

collecting data from the at least one environment (col. 6, lines 19-21);

providing node resource information (identity, location, communication and interference neighbors, etc.) from the at least one node of a second type to the plurality of network elements (col. 14, lines 12-17);

distributing storage and processing of the collected data among the plurality of network elements in response to the node information (col. 18, lines 35-64).

Clare does not specifically disclose distributing storage and processing of the collected data from the first node to two or more local nodes. IN analogous art Wesson discloses a distributed sensor network (Figures 1-4) which discloses aggregating, distributing and processing the collected data to two or more local nodes (Figures 3-4; p. 8, col. 2 to p. 9, col. 1; p. 11: "activities should be divided among multiple cooperating knowledge sources"). It would have been obvious to one of ordinary skill in the art to combine the teaching of Clare with Wesson in order to provide an improved method for distributed situation assessment amongst the nodes of Clare, thereby enabling the sensors to communicate data with one another.

7.   Referring to claim 2, Clare discloses performing a first type of data manipulation by the at least one node of a first type (i.e. filters and analyzes the stored data by the sensor node) (col. 18, lines 42-44), and performing a second type of data manipulation by the at least one node of a second type (manipulate the data such that the data is outputted to a user through a display device or audio speaker, etc) (col. 16, lines 4-16).

8.   Referring to claim 3, Clare discloses automatically organizing the plurality of network elements in response to the node information, wherein the automatic organizing comprising automatically controlling data transfer (i.e. routing data to user terminals), processing (i.e. using user profiles to generate a warning based on sensor data), and storage among the plurality of network elements (storing the data in data buffers (col. 16, lines 17-27; col. 18, lines 35-64).

9.   Referring to claim 4, Clare-Wesson discloses supporting a plurality of levels of synchronization among different subsets of the plurality of network elements (i.e. subordinates, commanders, high level layers, etc.) (Wesson: p. 8, col. 2; Fig. 4).

10.   Referring to claim 5, Clare discloses controlling data processing using at least one processing hierarchy (i.e. prioritization of messages), the at least one processing hierarchy controlling communications among the plurality of network elements (col. 15, lines 10-24).

11.   Referring to claim 6, Clare discloses comprising self-assembling the plurality of network elements, wherein search and acquisition modes of the at least one node of a second type search for participating ones of the plurality of network elements, whether each of the participating ones of the plurality of network elements are permitted to join the sensor network using a message hierarchy, wherein the sensor network is surveyed at intervals for new nodes and missing nodes (col. 8, line 49 to col. 10, line 51).

12.   Referring to claim 8, Clare discloses the at least one function includes data
acquisition (i.e. turn sensors to highest alert activity) (col. 15, lines 10-15).

13.   Referring to claim 14, Clare discloses controlling data processing, transmission,
and storage among the plurality of network elements in response to a decision
probability of a detected event (i.e. power down for five minutes transmitted to the node
from the user) (col. 15, lines 13-15). Wesson further discloses this at p. 17, col. 2, to p.
18, col. 2).

14.   Referring to claim 15, Clare discloses performing processing of the collected data
in response to parameters established by a user (col. 18, lines 50-64).

15.   Referring to claim 16, Clare discloses the processing is performed in response to
at least one result of the energy detection (col. 18, lines 50-64). Wesson further
disclose this at p. 17, col. 2 to p. 18, col. 2.

16.   Referring to claims 17, 20-23, Clare-Wesson discloses aggregating data
processed in a plurality of nodes for further processing by other nodes (i.e.
hypothesizing about tasks based on received data can be reasonably construed as
aggregating data) (Wesson: p. 8, col. 2).

17.   Referring to claim 18, Clare discloses the processing comprises selecting at least

one data type for processing, selecting at least one processing type, selecting at least

one of the plurality of network elements to perform the selected at least one processing

type, and transferring the selected at least one data type to the selected at least one of

the plurality of network elements using at least one route through the sensor network

(col. 18, lines 35-64). Wesson further discloses this at p. 14, col. 2, to p. 15, col. 1; p.

20, col. 1.

18.   Referring to claim 19, Clare discloses the selection of at least one processing

type comprises determining at least one probability (i.e. decision-making) associated

with a detected event (monitored environment settings) and selecting at least one

processing type in response to the at least one probability (i.e. if the decision is true, do

something different than if the decision is false) (Figure 15; col. 18, lines 35-64).

19.   Referring to claim 24, Clare discloses the communication mode is wireless

communication (e.g. abstract).

20.   Referring to claim 34, Clare discloses establishing at least one redundant

information pathway among the plurality of network elements (Figure 8).

21.   Referring to claim 39, Clare discloses at least one node of a first type and at lest

one node of a second type include at least one sensor selected from a group consisting

of seismic, acoustic, infrared, thermal, force, vibration, pressure, humidity, current, voltage, magnetic, biological, chemical, acceleration, and visible light sensors (col. 14, lines 12-34).

22.   Referring to claim 40, Clare discloses at least one of the plurality of network elements determines a position of at least one other of the plurality of network elements (col. 8, lines 15-25).

23.   Referring to claim 41, Clare discloses transferring software among the plurality of network elements, wherein the software transfer is remotely controllable (col. 15, lines 10-24).

24.   Referring to claim 42, Clare discloses the invention substantively as described in claim 1. Clare does not specifically state protecting communications among the elements using a public key security protocol. "Official Notice" is taken that both the concept and advantages of providing for public key encryption in wireless devices is well known and expected in the art. It would have been obvious to one of ordinary skill in the art to include public key encryption to the system of Clare to provide a basic level of security, thereby reducing the occurrences of eavesdropping by hackers and malcontents.

25.   Referring to claim 43, Clare discloses determining at least one position of one of

the network elements using location information from GPS device (col. 7, line 58 to col.

8, line 6).

26.   Referring to claim 44, Clare discloses the plurality of node types comprise sensor

nodes (e.g. abstract; Figure 14).

27.   Referring to claim 45, Clare discloses supporting short range and long rage

communications among the plurality of network elements (Figure 1).

28.   Claims 30, 48, 49, and 52-56 are rejected for similar reasons as stated above.

        Claims 25-29, 31, 32, 46, 47, 50 and 51 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Clare-Wesson as applied above in view of Myer.

29.   Referring to claim 25, Clare-Wesson discloses the invention substantively as

described in claim 1. Clare-Wesson does not specifically disclose the network includes

a gateway, a server, and at least one hybrid wired and wireless network. Myer

discloses another sensor network which includes at least one gateway 12, at least one

server 25, and at least one hybrid wireless and wired network (Figure 1; col. 2, lines 52-

67). It would be obvious to a person of ordinary skill in the art at the time the invention

was made to combine the teaching of Myer with Clare to facilitate device configuration

in a network as supported by Myer (col. 1, lines 26-30).

30.   Referring to claim 26, Clare-Wesson discloses the invention substantively as

described in claim 1. Clare-Wesson does not specifically disclose the network is the

Internet. Myer discloses the network is the Internet 22, (Figure 1). It would be obvious

to a person of ordinary skill in the art at the time the invention was made to combine the

teaching of Myer with Clare to facilitate device configuration in a network as supported

by Myer (col. 1, lines 26-30).

31.   Referring to claim 27, Clare-Wesson discloses the invention substantively as

described in claim 1. Clare-Wesson does not disclose providing remote accessibility

using WWW-based tools to data, code, management, and security functions. Myer

discloses providing remote accessibility using WWW-based tools to data, code,

management, and security functions (Figure 2). It would be obvious to a person of

ordinary skill in the art at the time the invention was made to combine the teaching of

Myer with Clare to facilitate device configuration in a network as supported by Myer (col.

1, lines 26-30).

32.   Referring to claim 28, Clare-Wesson discloses the invention substantively as

described in claim 1. Clare-Wesson does not disclose the at least one gateway

performs management of communications with at least one remote user. Myer

discloses the at least one gateway (control network portal 12) performs management of
communications with at least one remote user (col. 4, lines 28-50). It would be obvious
to a person of ordinary skill in the art at the time the invention was made to combine the
teaching of Myer with Clare to facilitate device configuration in a network as supported
by Myer (col. 1, lines 26-30).

33.   Referring to claim 29, Clare-Wesson discloses the invention substantively as
described in claim 1. Clare-Wesson does not disclose comprising at least one database
separate from the plurality of network elements. Myer discloses comprising at least one
database separate from the plurality of network elements (col. 3, lines 45-50). It would
be obvious to a person of ordinary skill in the art at the time the invention was made to
combine the teaching of Myer with Clare to facilitate device configuration in a network
as supported by Myer (col. 1, lines 26-30).

34.   Referring to claim 31, Clare-Wesson in view of Myer discloses the invention
substantively as described in claim 29. Claire further discloses data-driven alerting
methods that recognize conditions on user-defined data relationships (i.e. user profiles)
including coincidence in signal arrival, node power status, and network communication
status (col. 18, lines 35-64).

35.   Referring to claim 32, Clare-Wesson in view of Myer discloses the invention
substantively as described in claim 29. Although Clare-Wesson does not specifically

state implementing the database in a small footprint database and in a SQL database

systems at a level of at least one server, it is well known that these features exist and

would have been obvious to one of ordinary skill in the art to incorporate a small

footprint database to the invention of Clare and Myer to provide the productivity and

reliability that a SQL database allows, while still keeping information search and

retrieval times to a minimum.

36.   Claims 46, 47, 50 and 51 are rejected for similar reasons as stated above.

        Claims 7, 9-13, 33, 35, and 36 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Clare-Wesson as applied above in view of Humpleman et al. (USPN

6,546,419) (hereinafter Humpleman).

37.   Referring to claim 7, Clare-Wesson discloses the invention substantively as

described in claim 1. Clare-Wesson does not disclose managing the plurality of network

elements as a distributed database using a distributed resource management protocol,

wherein the plurality of network elements are reused among different applications,

wherein the network elements are used in multiple classes of applications. Humpleman

discloses managing the plurality of network elements as a distributed database using a

distributed resource management protocol, wherein the plurality of network elements

are reused among different applications, wherein the network elements are used in

multiple classes of applications (the servers and clients can reside on the same node

and execute both client and server applications) (col. 6, lines 18-34).   It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Clare-Wesson with Humpleman to be able to control a plurality of diverse devices having different capabilities to communicate in order to accomplish tasks or to provide a service as supported by Humpleman (col. 2, lines 38-45).

38.   Referring to claim 9, Clare-Wesson discloses the invention substantively as described in claim 1. Clare-Wesson does not disclose having the node of the first type containing a preprocessor with a state machine, an API and at least one sensor. Humpleman discloses a home sensor network wherein a first node 14 of a first type (Device A) contains a preprocessor with a state machine (it is inherent that a standard microprocessor emulates the effects of a state machine during its pipelining of instructions, fetch, decode, execute, store, etc.), an API (INTERFACE-A.xml), and at least one sensor (h/w) (e.g. abstract; Figure 16; col. 22, lines 52-58). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Clare-Wesson with Humpleman to be able to control a plurality of diverse devices having different capabilities to communicate in order to accomplish tasks or to provide a service as supported by Humpleman (col. 2, lines 38-45).

39.   Referring to claim 10, Clare-Wesson discloses the invention substantively as described in claim 1. Clare in view of Wesson does not disclose having the node of the second type including at lest one preprocessor coupled to at lest one processor and a

plurality of API's, wherein the plurality of API's are coupled to control at lest one device.

Humpleman discloses a home sensor network wherein the node 14 of the second type

(device B), contains at least one preprocessor coupled to at least one processor (it is

well known that a server computer has multiple microprocessors embedded within the

server which are either directly or indirectly coupled together), a plurality of API's

(INTERFACE-A.XML and INTERFACE-B.XML), wherein the plurality of API's are

coupled to control at least one sensor device (i.e. smoke detectors) (e.g. abstract;

Figure 16; col. 22, lines 52-58). It would be obvious to a person of ordinary skill in the

art at the time the invention was made to combine the teaching of Clare-Wesson with

Humpleman to be able to control a plurality of diverse devices having different

capabilities to communicate in order to accomplish tasks or to provide a service as

supported by Humpleman (col. 2, lines 38-45).

40.   Referring to claim 11, Clare-Wesson discloses the invention substantively as

described in claim 1. Clare-Wesson does not disclose layering the plurality of API's.

Humpleman discloses layering the plurality of API's in the device (Figure 19, reference

characters 72-92). It would be obvious to a person of ordinary skill in the art at the time

the invention was made to combine the teaching of Clare-Wesson with Humpleman to

be able to control a plurality of diverse devices having different capabilities to

communicate in order to accomplish tasks or to provide a service as supported by

Humpleman (col. 2, lines 38-45).

41.   Referring to claim 12, Clare-Wesson discloses the invention substantively as

described in claim 1. Clare further discloses enabling distributed resource management

by providing network resource information and message priority information to the

plurality of network elements (col. 14, lines 12-34; col. 15, lines 10-25). Clare does not

specifically disclose enabling distributed resource management through the plurality of

API's. However Humpleman discloses using the API's to enable distributed resource

management (i.e. enabling services to be used via the API's) (Figures 15-19 and

pertinent portions of the disclosure). It would be obvious to a person of ordinary skill in

the art at the time the invention was made to combine the teaching of Clare-Wesson

with Humpleman to be able to control a plurality of diverse devices having different

capabilities to communicate in order to accomplish tasks or to provide a service as

supported by Humpleman (col. 2, lines 38-45).

42.   Referring to claim 13, Clare discloses the preprocessor (ADC) performs data

acquisition, and the processor (DSP) performs signal identification (col. 18, lines 35-64).

43.   Referring to claim 33, Clare-Wesson discloses the invention substantively as

described in claim 1. Clare-Wesson discloses sensing nodes supporting processing

layers (i.e. superiors and subordinates), however does not disclose the node of a

second type includes sensing, processing, communications, and storage devices

supporting a plurality of processing and protocol layers. In analogous art, Humpleman

discloses another sensor network wherein nodes include supporting a plurality of

processing and protocol layers (col. 14, lines 20-34). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Clare with Humpleman to be able to control a plurality of diverse devices having different capabilities to communicate in order to accomplish tasks or to provide a service as supported by Humpleman (col. 2, lines 38-45).

44.   Referring to claims 35 and 36, Clare-Wesson discloses the invention substantively as described in claim 1. Clare-Wesson does not disclose a first network having a first node density is assembled using the at least one node of a first type, and a second node having a second node density is assembled using the at least one node of a second type, wherein the second network is overlayed onto the first network. Humpleman discloses a home sensor network wherein numerous sensors relating to different "services" (i.e. HVAC, security, utility, appliances) are overlayed onto another (i.e. they are all connected to one network, however they are considered their separate entities) (col. 22, line 17 to col. 23, line 7). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Clare with Humpleman to be able to control a plurality of diverse devices having different capabilities to communicate in order to accomplish tasks or to provide a service as supported by Humpleman (col. 2, lines 38-45).

         Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clare-Wesson in view of Davis et al. (USPN 5,742,829) (hereinafter Davis).

45.   Clare-Wesson discloses the invention substantively as described in claim 1.

Clare-Wesson does not disclose distributing code and data anticipated for future use

through the sensor network using low priority messages, wherein the code and the data

are downloadable from a storage device. Davis discloses a network wherein

distributing code and data anticipated for future use through the sensor network using

low priority messages (i.e. in the background), wherein the code and the data are

downloadable from a storage device (it is inherent that the code/data are downloaded

from a storage device) (col. 6, lines 27-65). It would be obvious to a person of ordinary

skill in the art at the time the invention was made to combine the teaching of Davis with

Clare-Wesson to facilitate the installation of software on heterogeneous clients on the

distributed network, thereby reducing installation costs and reducing downtime as

supported by Davis (col. 2, lines 10-15).

        Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clare-

Wesson in view of Makansi et al. (US 2002/0154631) (hereinafter Makansi).

46.   Clare-Wesson discloses the invention substantively as described in claim 1.

Furthermore it is an inherent feature of Clare to aggregate the data to be transmitted to

a user to conserve energy by reducing the amount of packets and saving bandwidth.

Clare does not disclose the message packets include decoy packets wherein

information to be transferred is impressed on random message packets to provide

communication privacy. Makansi discloses message packets include decoy packets wherein information to be transferred is impressed on random message packets to provide communication privacy on a network (e.g. abstract). It would be obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Makansi with Clare to provide messages to be transmitted in ways such that potential adversaries are given access to a relatively little amount of information as supported by Makansi (p. 1 ¶ 8).

Response to Arguments

47.   Applicant's arguments filed May 22, 2008 have been fully considered but they are moot in view of the new grounds of rejection presented above.

Conclusion

48.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is invited to review the Iyengar referenced (cited in related case ending in '706, and included with this Action) which recites numerous references of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey C. Pwu can be reached on (571)272-6798. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph E. Avellino/
Primary Examiner, Art Unit 2146